

Silver Spring Citizens Advisory Board Meeting Minutes

April 12, 2010

Members: Darian Unger, Debbie Linn, Mark Woodard, Constance Wynn, Phil Olivetti, Marilyn Seitz, Jessica Fusillo, Evan Glass, Victor Weissberg, Kathy Stevens, Mitch Warren, Tiffany Graham-Golden

Members Absent: Casey Anderson, and Mary Pat Spon

Call to Order and Introduction: Darian Unger called the meeting to order at 7:00 p.m.

Approval of Minutes

Motion: the Silver Spring Citizens Advisory Board unanimously approved the March 2010 minutes

Community Comments:

Bob Colvin distributed East Silver Spring Citizens' Association, Inc. (ESSCA) newsletter and announced a clean-up at the park in Long Branch on April 24, Earth Day.

Debbie Spielberg announced the first Amnesty International Human Arts Festival April 23-25, 2010, with approximately 400 artist more than 200 events and 40 venues around downtown Silver Spring. Website www.humanrightsartsfestival.com

Chair's Report

Darian Unger reported that:

- Chief Bowers will be discussing Ambulance fees later on this evening. The Advisory Board has previously been in opposition of the fees.
- The proposed budget was released. We met with the Regional Center and Office Management and Budget and asked specific questions regarding Silver Spring. We learned that the Silver Spring Library hours are reduced to 50 hours a week. The Police cuts are relatively small and they have two new recruit classes starting with 30 per class.. The concern is will they still be able to staff Long Branch and downtown CBD.
- Bethesda is getting a 1% cut in their Urban District and Silver Springs Urban District is being cut by 8.5%, people are upset, however, we are retaining all our Red Shirts. We asked which Ride-On Bus where being cut but got no answer.
- The Gandhi Brigade is receiving \$18,600 dollars, the Sports Academy is opening 3 days instead of 4 but nothing seems to be being eliminated in youth programs.
- Another concern is what will happen to Progress Place or Community Vision in downtown Silver Spring which is being cut drastically.
- We are going to have 7 new Board members and they are scheduled to be confirmed later this month. Elections of new officers for SSCAB are held in June and I officially open nomination for any position and urge people to apply.
- We toured the new Civic Building on Saturday. Many that attended where impressed by the building but concerned about how it would be activated and used given the budget cuts and what's going on with Round House.

Directors Report

Reemberto Rodriguez reported that:

- The Regional Center is cutting staff, has less money and one year from now will dramatically be different. The Regional Center will be located in the new Civic Building along with other County functions giving us a tremendous opportunity to build and connect with community. There are five Regional Centers in Montgomery County and the County Executive budget basically makes all five Regional Centers uniformed in staffing. We will continue the Weed and Seed program and have plans to expand it under the new Department Justice program. We will bring on a person to operate the building and shift some of the marketing functions to help market the building. The number of people in the Regional Center does not really change but the roles of staff will. The Urban District budget relates and compares to the budget two years ago. We are proposing elimination of the banners which is an \$8,000 dollar savings and we are chipping away at the Urban District budget to the tune of 8.5% there are some complexities that connects the Urban District budget to the Parking Lot District and Optional Method Development etc. With the Urban District budget we are managing the cost savings/budget cuts in a way that we continue with our clean and safe mission for the Urban District.

Discussion of County Issues and Budget

Councilmember George Leventhal reported that:

- The Health Human Service Committee is cutting back the Montgomery Cares program that provides health care access to 23,000 poor and uninsured patients and in 2011 we are going to scale back a volunteer coordinator and probably scale back on the amount we reimburse clinics and hope that the clinics will remain solvent.
- The revenue picture is grim and the bottom has completely dropped out. The County Executive submitted his proposed budget on March 15th and sense that time we have even more bad news. The first tax distribution since the CE budget came out was 24 million dollars less than the estimators predicted so we have to cut another 24 million dollars, there will be another tax distribution in May and we are thinking probably that tax distribution will also be less than was estimated on March 15, the picture is constantly changing for the worse. Moody's which is a bond rating house we go to for issuing tax exempt obligations to borrow to build in Silver Spring and other places has put us on a negative watch but we have not lost our Triple A bond rating but they are very concerned because we lost a lot of flexibility that we had in the past. The snow storm blew approximately a 60 million dollar hole in our budget and for the first time ever we tapped the rainy day fund and this fund was a way of maintaining a healthy reserve so the bond houses would think we where prudent and wisely managing our fiscal affairs but this year we hit it for the first time and Moody's put us on a negative watch. If we lose the Triple A bond rating it would have a long range impact on our operations budget because the cost of borrowing money would grow and our debt service obligations would increase. When you look at the affects of the bad economy on local government revenue and capability of local government to respond to the real crisis situation that we have in the County, Silver Spring is lucky when you look at things that happened in the late 1990's and the ability for the County government to invest more than \$300 million dollars in Silver Spring revitalization which has leveraged more then \$2 billion dollars on private investment to turn Silver Spring around. Looking at what has been in our capital plan which is now coming on-line \$66 million invested in the transit center, opening June 2011, \$22 million invested in the Civic Building, opening July 2010, and \$32 million invested to replace the library with a new Silver Spring library. Silver Spring is very

fortunate it was able to benefit from a healthy and generous County budget at the right time.

- Interest rates are relatively low, if we keep our bond rating, and because the construction industry is in recession we have attracted bids from the companies that want to build new schools and libraries. The capital budget is relatively healthy and we are able to proceed with these plans for now.
- A problem is looming on the horizon with the Silver Spring Library and the Silver Spring Citizens Advisory Board has weighed in previously. When the County could afford to be generous originally the plan for the Rockville Library was people would be attracted to the library and while there go shopping at the Town Center and the parking would accommodate the parking for the Rockville library. Some library activists insisted parking be free at every Montgomery County Library and this was a bad idea.
- We pay the City of Rockville for the debt service on its parking garage and County taxpayers are paying the City of Rockville this year \$140 thousand dollars and the amount is growing yearly and we can not afford it. The County is subsidizing car owners to drive to the library and park for free because of the countywide policy implemented in Rockville and this will happen in Silver Spring. The current policy is going to create a massive drain on the Silver Spring Parking Lot District, (PLD) because individuals will park in the Wayne Avenue garage across from the library go to the library punch their ticket for free and the number of people that pay for parking in the Wayne Avenue garage will decline dramatically and the result is the bonds we have to pay for on the Wayne Avenue garage and other obligations in the Silver Spring PLD are going to lack revenue. Either the County will have to take general fund dollars to put in the PLD or we will not be able to maintain the PLD and this will affect Silver Spring Urban District and other things the community is interested in. I am raising this issue because a budget crisis provides an opportunity and my position all along that subsidizing people to drive to downtown Rockville and park was not a wise use of taxpayer's dollars. The amount we are paying in the Rockville parking garage is exactly the amount it would cost to save Community Vision, \$140 thousand dollars would keep Community Vision open during the day for homeless people in downtown Silver Spring and get them off the street so they don't panhandle in front of businesses. What I am saying to the Silver Spring Citizens Advisory Board is the failure of Montgomery County has been to anticipate and I am as guilty as anyone else and when times were good we spent the money, we generously compensated our employees, generously invested in Silver Spring, set-up a lot of social programs that I support to help the needy because we could afford it and now we can not afford it. What we need to learn from this recession is to look ahead to the long-term and one of the big policy errors we will be committing is if we keep this free library parking policy in place. I was persuaded by people with disabilities on the pedestrian bridge to the library and I know the SSCAB opposed the bridge.

Darian Unger stated that the Board already has taken a position on the library parking and can just send a new version of the letter already written.

Councilmember Leventhal commented that the Energy Tax would breakdown to approximately \$5.00 per month increase per household on your PEPCO bill. The energy tax is linked to your use if you use more you pay more. As far as the budget situation there will have to be significant reorganization and redundancies wiped out because we can not afford the infrastructure we created. There is discussion about Park and Planning do we need a Recreation Department in the Executive Branch and a Parks Department at Park and Planning could we dismantled the Parks

component and combine it somewhere else. Do we need a separate Police force for the parks or could County Police handle the parks giving an opportunity to eliminate overhead. The entire Council supports Ride-On and the last proposal from County Executive Leggett where we cut 70 million dollars out of the budget we did not adopt any of the Ride-On cuts that were proposed. Whether we can continue with that in 2011 is questionable and we will discuss it. We should replace all the fare boxes and have them functioning and fare box revenue amounts to 15% of total cost of operating Ride-On.

Darian Unger asked for more information on the Energy Tax, how it works and the effects.

Action: Angela Dizelos, OMB to provide additional information on Energy Tax (see informational material section for response).

Emergency Transport Fee proposal

Chief Bowers and Assistant Chief Graham gave an overview on the proposed Bill 13-10, Emergency Medical Services Transport Fee as follows:

- Bill 13-10 would authorize the County to impose and collect a fee to recover costs generated by providing emergency medical service transports. This bill would also provide for a schedule of emergency medical services, transport fees, fee waiver criteria, permitted uses of fee revenues and other procedures to operate the emergency medical services fee program. Bill 1510 would prohibit a local Fire and Rescue Department from imposing a separate emergency medical services transport fee.
- There is no evidence in the United States that people will not call 911 for ambulance transport. I attended training in Pennsylvania and was asked why Montgomery County did not charge an ambulance fee and they are an all volunteer company and charging a fee is how they survive.
- This is not a tax and not a fee but we had to call it a fee due to our legislative structure it is a revenue reimbursement. There is money if you have a health insurance plan that is factored into your premium in which you already paying for this transport fee within your health care benefit. The insurance company is retaining it for all residents in Montgomery County and the bottom line is as a residence of the County it will not cost you a dime. If a person does not have insurance they will not see a bill.
- The budget situation is really bad. The EMS transport fee bill 13-10 is factored into Fire and Rescue budget. We do not know what is going to happen with the EMS transport fee is not passed because that entire millions of dollars that we can recover in revenue won't be there. We may have to forfeit additional cuts in Fire and Rescue to make up any or all part of the budget because it is factored on the EMS transport fee. Our current budget is approximately 189 million dollars we have a reduction in front of Council and proposed by County Executive of about 5 million dollars in reductions leaving 184 million. The EMS transport fee potentially in the first year alone could go under about 14.1 million and this is factored into the fire and rescue budget as it is outlined in the current bill 13-10 it states in the first year it will supplement fire and rescue budget.
- Currently we provided service in Montgomery County with dedicated career and volunteer personnel but it cost money to train personnel, fuel in the apparatus, purchasing of new apparatus and equipment for personnel. The money from the revenue recovery or reimbursement will help provide all these things that cost and are part of the revenue reimbursement. Even though transport is characterized some time as free it cost money for us to provide the service. There is approximately 14 million

dollars that insurance companies currently have from Montgomery County residents of about 60,000 transports. My responsibility as the County Fire Chief is the welfare and safety of everyone as well as personnel. I would be remised without the opportunity to get this reimbursement so that we can invest into infrastructure for fire and rescue to provide service to the public and the safety to our personnel.

Chief Graham reported that:

- The career, volunteer Firefighters, Paramedics and EMT staff our emergency medical services units and our fire apparatus and we are a fire based EMS system so our ambulance are not the only thing that provide emergency medical services. Every Firefighter rescuer in the County is trained as a basic emergency technician and some of us are EMT Paramedics. We will not arrive at your home and ask for a credit card to you the patient and me the provider if we started billing today there would be no difference. The only thing you will see is an explanation of benefits sixty days later that states Blue Cross and Blue Shield paid for your emergency visit, ER Physician, Laboratory, Radiologist and ambulance fee and they paid this amount.
- One year ago the Council and County Executive invested about one million and half in a Electronic Patient Care reporting system and this is much like a UPS pad so I receive a call and our dispatch has already dumped the demographic information. I take your vital signs and patient assessment and any treatment that was performed. When we get to the hospital we collect a signature from the patient, head nurse or physician receiving the patient this has to be done and always been a part of our system and this enables us by your signature authorizing your assignment of benefits for the portions of our care. If the person is too sick we have UTS (unable to sign) and in this case either the RN or physician receiving patient co-signs making a notation that the patient was unconscious and unable to sign. From the patient provider perspective there is no change and we will never ask you demographic information as it relates to your health care status, whether you have insurance or whether you don't. Our Electronic Patient System Care is securely linked into each of the hospital system and our report matches up with your hospital number once per week the process will be the hospitals will dump the insurance information only back into Montgomery County Fire and Rescue Service to our billing manager. This person along with an IT professional will compile the report, make sure it is complete and accurate and we then send it to a third party billing contractor which will procure once the bill is passed. The third party billing contractor will send them a bill to the insurance company and not to the patient. The vendor works for us our rules are soft compassionate billing and we will never send a bill to a Montgomery County resident. Bill 13-10 is written and no County resident will ever be responsible for co-pay deductible or unmet portion of any EMS transports so if you don't have insurance there is no fee and we will not pursue collection on anyone in the county or out of county. Non-County residents will be responsible if they do not have insurance, they will get a bill and a waiver form and it is described in the Executive Regulation that a person can request a waiver from the Fire Chief for various reasons and if their income is less than 300% of the federal poverty level they would qualify. The other qualification is soft compassionate billing policy. We will send a bill to the out of county person thirty, sixty, ninety days and then it is dropped and no collection process. This is factored into our revenue projections and for the first year the revenue is 14.1 million dollars and is based on a 60% collection rate. The region we live in the insurance rate is much higher but the consultant told us

to be conservative with revenue projection. Part of our operating budget we currently spend 15.2 million dollars per year providing fuel, maintain, utilities, capital improvements, training to volunteers and their buildings because it is a volunteer career set-up. Four years ago County Executive and Council approved 32.5 million dollars to purchase 72 pieces of new fire apparatus the fleet was in complete disrepair many pieces could not even leave the inspection point. We purchased 39 engine companies, 9 ladder trucks, Silver Spring Volunteer Fire Department piggy backed on the contract and purchased one of their own, three heavy rescue squads and twenty ambulances. The apparatus management plan stated in order to be good stewards of the money we would need to purchase five engines per year, 1 ladder truck every 18 months to 24 months. We do not want to raise taxes and we have found a non-tax revenue recovery that will enable us to continue to grow the fire service to meet the needs of Montgomery County. Is it controversial absolutely are there people that disagree with charging for emergency service absolutely. The first map distributed is for the State of Maryland and every place that is shown in red has a billing system. Prince Georges County fire has Emergency Medical Service billing and it is a hard billing process if they pick you up and transport you to the hospital you are responsible for the entire bill whether you have insurance or not.. Frederick County if they come into Damascus, Clarksburg etc., and they take a Montgomery resident to a hospital you are also responsible for the entire bill. With the exception of perhaps Anne Arundel, Prince Georges and Frederick Counties that are the three larger combination systems of career and volunteer the rest Washington, Allegany, Cecil, Hartford, Queen Anne's etc. are hugely volunteered. I have gone to twenty-seven other departments across the US and ask does this hinder their fund raising and testimony last year from Frederick County Volunteer Fire and Rescue Association President said if you take this money from us we will fold. The County Executive had to identify a way to fund Fire and Rescue service and this ambulance transport fee, revenue recovery is the only way we can reasonably do it. Second map are the jurisdictions within the state of Virginia and there are about 53 jurisdictions in the state that have successful revenue recovery systems and the last map is of the National Capitol Region showing the jurisdiction in dark green that have a program and the District of Columbia has been billing for over twenty-five years, Prince Georges advanced life support has been billing for over twenty years and it goes to the piece of will they call 911, every jurisdiction we have visited said they have no evidence of anyone not calling. A public hearing is scheduled for April 13, at 7:30 p.m.

Board Member Comments

Darian Unger commented that it is rare that he has so much contempt for an idea that he "considers to be completely and totally immoral from people that I have no contempt for and have tremendous respect for but I can not disagree with you more on the subject and it is not personally. These arguments have evolved over the years and it is not a good idea and it is immoral to charge people for an ambulance service including when it performed by their neighbors that are volunteer firefighters for free anyway. There are so many reasons to oppose the fees."

Casey Anderson commented he could be persuaded either way on the issue and has heard the argument in pieces and "don't get why it is such a horrible thing and one of the things am stuck on is if you go into the ER with a problem you are going to be responsible so how is it

that you are more deterred from calling the ambulance when there might be an ambulance fee that they proposed to collect from your insurance company at the back end, when you know for a fact ER is going to hit you for sure and they are not just going to bill your insurer they will **sue** you and may have to declare Bankruptcy.”

Darian Unger commented “the economic argument for it is easy cost goes up demand goes down there are very few exception to the law of demand. What we have been hearing is an infomercial providing one side of the story. There are a lot of people that would pay out of pocket and a lot of this depends on where you are a legal resident will that be a questions.”

Jessica Fusillo commented “it does not matter where you live the hospital is going to charge you no matter what. It does not matter how you get their and seems like a small fraction of what we are talking about and don’t get why giving money to Fire and Rescue that are helping you is a bad thing and they can continue to help.”

Deborah Linn commented that she “agrees in certain economic times and it bothers me that we are paying taxes for certain services and it does not bother me that it is a volunteer, that it is my neighbor, but we are paying taxes for certain services and why pay the taxes and now pay a ambulance fees. Previously after discussion I was minimally persuaded because I did not know we did not have a fee so I was persuaded in sort of in the beginning about this because there is something about paying taxes, it’s a caring service and should we be charging people and have never brought people will not call 911 because people with no insurance call 911 all the time and for all the things to raise fees on this is not my first choice but at this point an time I believe they should be raising fee for everything rather than being cut on everything I have to say my opinion about this has change and is it the first thing I would pick no it is not but it is the one thing we have and I would like County Executive and County Council to find more things with fees that should be reviewed. I am sort of witching my view of it.”

Darian Unger suggested “if the Board wanted to re-examine the fees they would be fine but let’s hear the other side as I am one person that is opposing but there are thousands of others opposing as well.”

Constance and Casey suggested that the issue be taken up at another time.

Kathy Stevens commented that she was with Councilmember Leventhal: “I don’t like the idea but at this time and three years out how many more cuts can we see in a variety of places. If you e-mail County President and express your views it gets passed on to the rest of Council and it could be an individual step that folks could do if they are persuaded one way or the other. If the Board needs to do something I propose it be done by e-mail.”

Deborah Linn stated she “did not want the Board to re-send the letter stating they are not in support of this and leave it lying there as it is.”-

Darian Unger commented that “we have heard approximately 40 minutes of pro-testimony of why the ambulance fee should go through and that is welcomed but we need to hear the other side.”

Phil Olivetti commented “if you put this on the agenda you are faced with the possibility of votes getting switched and we made a decision at that time not to have the opposing views so

to suggest that we are doing a disservice to the issue. We have discussed the issue and let's not use that argument now to say we should not revisit the issue."

Constance Wynn suggested to the Board that they do not send the last letter and that people individually e-mail their respective Councilmember and leave it at that.

Motion: (Wynn, Olivetti) the Silver Spring Citizens Advisory Board agreed not to re-send the last letter and encouraged individuals to individually petition the Council in regards to their personal position but not as an Advisory Board Member. *(9 in favor and 1 abstention)*

Evan Glass motioned to re-issue the letter the Board wrote about no parking fees rescinding county subsidized parking fees. *(Glass, Olivetti 2nd)*

Casey Anderson commented that this raises a question as to "not voting to reverse ourselves on the letter or even to be neutral; but rather to technically do nothing... The Board Chair has the authority under the precedent we have operated under to represent on behalf of the board that we oppose the ambulance fees... Some members may believe based on the motion the Board just passed that Darian and others are bound to remain silent if someone asked what the Board position is."

Deborah Linn stated it's not that; and she trusts Darian not to say that the Board voted to reiterate the letter previously sent.

Transportation and Pedestrian Safety Committee

Darian Unger reported that:

- Looking at the map the major concern was pedestrian incidents at just about every corner in Silver Spring in the heart of the CBD and we working on trying to resolve these with some specific engineering fixes with Department of Transportation and SHA and the notes are in the packet.

New Business

- The Board has had major changes in Committee with two new Chairs, Jessica Fusillo, CED and Casey Anderson, Neighborhoods.
- Discussion on same sex marriage equality was held at the only Committee that met this past month. I am going to bring the subject up next meeting and urge community discussions and there are notes in your packet.
- I am suggesting to the Board that we invite the other side of the ambulance fee debate to the next meeting. I will invite them and in fact when shown the other side there is a reason why these fees are tremendously unpopular.

Meeting adjourned @ 9:10 p.m.

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